

JOURNAL OF THE HOUSE.

Monday, June 21, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Forgiveness, at the beginning of a new work week, we take a moment to think about You and spiritual values as we organize our personal goals, priorities and responsibilities for the week. Your gift of wisdom enables us to make reasoned choices and our personal creativity and enthusiasm allows us to maximize our opportunities for serving You and the people. We recognize our human limitations in resolving complex societal issues, but with Your assistance, we will select the right, honorable, ethical and fair options which are open to us. Teach us to be sensitive to and aware of the needs and expectations of people, especially to the needs of people who cannot care for themselves.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Acting Governor — Veto.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill relative to the establishment of the position of director of finance in the city of Revere [see House, No. 4508] (for message, see House, No. 4867) was filed in the Office of the Clerk on Friday, June 18.

Revere,
finance
director.

The message was read; and, under House Rule 12, placed in the Orders of the Day for the next session, the question being on passing the bill, notwithstanding the said objections.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Hillman of Sturbridge) congratulating James Bradford Powers for his years of service;

James
Bradford
Powers.

Resolutions (filed by Messrs. Honan of Boston and Sánchez of Boston) congratulating Paul William Garber and Philip Charles Garber;

Paul
and Philip
Garber.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) on the retirement of Chief Ellis Carroll of the Stoughton Fire Department;

Ellis
Carroll.

Norman
Katz.

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Norman Katz upon his retirement from the Sharon Board of Selectmen;

Stephen E.
Perry.

Resolutions (filed by Mr. Straus of Mattapoissett) on the occasion of the retirement of Master Gunnery Sergeant Stephen E. Perry from the United States Marine Corps; and

John J.
Downing.

Resolutions (filed by Mrs. Walrath of Stow) congratulating John J. Downing on the occasion of his retirement;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Linsky of Natick, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Needham,
charter.

Mrs. Harkins of Needham presented a petition (accompanied by bill, House, No. 4875) of Lida E. Harkins and Scott P. Brown (by vote of the town) relative to amending the charter of the town of Needham; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Papers from the Senate.

Wrongful
felony
convictions.

The House Bill relative to compensation for certain erroneous felony convictions (House, No. 4255) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2392.

Under suspension of the rules, on motion of Ms. Jehlen of Somerville, the amendment was considered forthwith.

Committee of
conference.

The House then non-concurred with the Senate in its amendment, on further motion of the same member; and, on further motion of Ms. Jehlen, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives O'Flaherty of Chelsea, Jehlen and Evangelidis of Holden as the committee on the part of the House. Sent to the Senate to be joined.

Self-sufficiency
standards.

A Bill establishing a self-sufficiency standard in the Commonwealth (Senate, No. 2391) (on Senate bill, No. 130), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Bills

Emergency
contraception.

Providing timely access to emergency contraception (Senate, No. 546) (on Senate, No. 546 and House, No. 2438);

Esplanade
Association.

Providing for the issuance of a distinctive registration plate for the Esplanade Association (Senate, No. 2091) (on a petition);

Home
improvement
contractors.

Further regulating home improvement contractors (Senate, No. 2352) (on Senate bill, No. 485);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to municipal light plant department security deposits (Senate, No. 2211) (on Senate, No. 439), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Municipal
light
departments.

A petition (accompanied by bill, Senate, No. 2393) of Brian A. Joyce, Joseph R. Driscoll, Bruce J. Ayers and Walter F. Timilty (by vote of the town) for legislation to authorize the town of Randolph to establish a town charter, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Randolph,
town
charter.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Michael J. Coppola and Jo Ann Sprague for legislation to authorize the Division of Capital Asset Management and Maintenance to convey certain land to the housing authority of the town of Foxborough;

Foxborough,
land.

Petition (accompanied by bill) of Pamela P. Resor and James B. Eldridge for legislation to designate the town of Shirley as an economic target area; and

Shirley,
economic
area.

Petition (accompanied by bill) of Karyn E. Polito and Guy W. Glodis that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land to the Shrewsbury Housing Authority;

Shrewsbury,
land.

Severally to the committee on State Administration.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain Senate and House documents concerning the courts of the Commonwealth (House, No. 4609), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3000) of David M. Torrisi and other members of the General Court relative to increasing the maximum amount of damages in small claims court,— and recommending that the same be recommitted to the committee on the Judiciary. Under Rule 42, the report was considered forthwith; and it was accepted.

Small
claims
court.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents con-

Driver
education
training.

cerning the driver's education program in the Commonwealth (House, No. 4862) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3384) of Peter J. Larkin, Brian A. Joyce, Christopher G. Fallon, Stephen P. LeDuc and J. James Marzilli, Jr., for legislation to further regulate the issuance of junior operators licenses and certificates for driver education training,— and recommending that the same be recommitted to the committee on Public Safety. Under Rule 42, the report was considered forthwith; and it was accepted.

Plymouth,
impact
fees.

Report of the committee on Taxation, that the House Bill authorizing the town of Plymouth to enact by-law relative to the impact of development (House, No. 4351) ought NOT to pass (under Joint Rule 10) [Local Approval Received].

Under suspension of the rules, on motion of Mr. Casey of Winchester, the report was considered forthwith.

Pending the question on rejection, the bill was recommitted to the committee on Taxation, on further motion of Mr. Casey.

Renewable
power.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill clarifying a minimum threshold for the purchase of existing renewable power for the purposes of the renewable portfolio standard regulation (House, No. 4293) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Jehlen of Somerville, the bill was read a second time forthwith.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 2, in line 4, by striking out the date: "January 1, 2004" and inserting in place thereof the date: "January 1, 2005", in line 7, by striking out the date: "March 1, 2004" and inserting in place thereof the date: "March 1, 2005", in line 14, by striking out the date: "December 31, 2003 and inserting in place thereof the date: "December 31, 2004", and in line 37, by striking out the date: "March 1, 2004" and inserting in place thereof the date: "March 1, 2005",— were adopted.

Pending the question on ordering the bill, as amended, to a third reading, it was recommitted to the committee on Energy, on motion of Mr. Kujawski.

Zoning
ordinances,
study.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on House, Nos. 960, 1714, 4008, 4031, 4032, 4041, 4045, 4046, 4051, 4053, 4055, 4089, 4103, 4222 and 4448, an Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of certain House documents concerning zoning ordinances, day care facilities, planning boards and other related matters (House, No. 4868).

Protective
custody,
study.

By the same member, for the same committee, on House, No. 4179, an Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of a certain House document concerning persons in protective custody (House, No. 4869).

By the same member, for the same committee, on House, No. 4191, an Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of a certain House document concerning the Mystic Valley Development Commission (House, No. 4870).

Mystic Valley
Development
Commission,
study.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1187 and 1227 and House, No. 3011, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain Senate and House documents concerning toxic and hazardous waste (House, No. 4871).

Hazardous
waste,
study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, on a message from His Excellency the Governor, a Bill relative to certain capital spending authorizations (printed in House, No. 4759).

Bond
authorizations.

By Mr. Casey of Winchester, for the committee on Taxation, on Senate, No. 2383 and House, No. 4842, a Bill relative to the sale of municipal tax receivables (House, No. 4872).

Tax
receivables.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Straus of Mattapoisett, for the committee on Election Laws, on a petition, a Bill relative to the finance committee of the town of Lancaster (House, No. 4773) [Local Approval Received].

Lancaster.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill establishing the Concord Housing Development Corporation (House, No. 4775) [Local Approval Received].

Concord.

By the same member, for the same committee, on a petition, a Bill establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4776) [Local Approval Received].

Well fleet.

By Mr. Casey of Winchester, for the committee on Taxation, on a recommitted petition, a Bill relative to the exemption of motor vehicles leased to charitable organizations from the motor vehicle excise (House, No. 1399).

Charitable
organizations.

By the same member, for the same committee, on House, No. 3080, a Bill relative to property tax abatement procedures (House, No. 4873).

Tax
abatements.

By the same member, for the same committee, on House, No. 3910, a Bill authorizing certain actions by the town of Nantucket to mitigate the effects of large-scale residential real estate development (House, No. 4874) [Local Approval Received] [Representative Travis of Rehoboth dissenting].

Nantucket.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Bills
enacted.

Engrossed bills
 Authorizing payroll deductions for certain contributions to the State Police Museum Fund (see Senate, No. 1417, amended); and
 Relative to part-time elected officials of the town of Swansea (see Senate bill printed as House, No. 3969);
 (Which severally originated in the Senate);
 Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The House Bill increasing the number of the permanent intermittent police force in the city of Methuen (House, No. 4175) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Credit
union
insurance.

The Senate Bill relative to the Massachusetts Credit Union Share Insurance Corporation (Senate, No. 2267, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Quinn of Dartmouth moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for improved corporate governance of the Massachusetts Credit Union Share Insurance Corporation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (Senate, No. 2267, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Order.

Next
sitting.

On motion of Mr. Finneran of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Wagner of Chicopee then moved that as a mark of respect to the memory of Richard H. Demers, a member of the House from Chicopee from 1971 to 1980, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-one minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.